

## **3 FAM 4160 EMPLOYEE CONSULTATION SERVICE**

*(TL:PER-269; 6-30-95)*

### **3 FAM 4161 PURPOSE**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

The Employee Consultation Service (ECS) assists Foreign Service and Civil Service employees of the Department of State and the United States Agency for International Development (USAID) assigned to Washington, D.C., who have job performance or work-related behavior problems which may be attributable to physical, emotional, or social conditions. ECS also provides counseling and referral services in connection with credit problems counseling such as garnishment of compensation.

### **3 FAM 4162 AUTHORITY**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

Foreign Service employees	Section 206 of the Foreign Service Act of 1980 (22 U.S.C. 3926)
Civil Service employees 7901	22 U.S.C. 2658, and 5 U.S.C.

### **3 FAM 4163 BACKGROUND**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

Employees may be under physical, emotional, or social stress which adversely affects their job performance or creates work related behavior problems. While there is no substitute for professional assistance privately obtained by the employee, the Department is making available professional, confidential, and easily accessible counseling and referral services through the ECS. This service is available to supervisor and subordinate employees alike, seeking to address an existing problem or to prevent an escalation of problems in a working environment. Similar to the Alcohol Awareness Program, these services would be available for such problems as emotional distress and marriage and family problems. ECS is administratively located in the Office of Medical Services but is a separate unit with an independent system of records. It is prohibited from disclosing outside that office information received from employees in confidence, except to the extent required by law or authorized by the employee. The Office of the Legal Adviser advises that ECS's system of records is protected by the Privacy Act (5 U.S.C. 552a) and is considered to consist of personnel/medical files containing personal information, the disclosure of which would constitute a clearly unwarranted invasion of privacy within the meaning of exemption 6 of the Freedom of Information Act (5 U.S.C. 522(b)(6)).

### **3 FAM 4164 POLICY**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

Any employee who has reason to believe that a physical, emotional, social, or any other personal condition may adversely affect the employee's performance or work-related behavior is encouraged to contact ECS on a confidential basis and request assistance. There is no obligation to follow advice given or to continue a contact once made, nor may any adverse career implications be drawn from either application, non-application, or withdrawal from the ECS.

### **3 FAM 4165 ORGANIZATION**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. The ECS is a service parallel to the Alcohol Awareness Program, except that no long-range counseling is directly available. In addition to the permanent professional and clerical staff, ECS will use professional consultations. Administratively, ECS staff will report to the Medical Director (M/DGP/MED) through the Office of Mental Health Services. That administrative arrangement shall not be construed to override any provisions of the 1974 Privacy Act (5 U.S.C. 552a). And, therefore, these records will not be integrated into any existing medical record.
- b. The ECS in no way supersedes or replaces the Alcoholism and Drug Abuse Program under 3 FAM 1900. It is intended to supplement that program and to provide services, counseling, and referral for personal problems other than alcoholism or drug abuse.
- c. The ECS in no way supersedes or replaces the procedures for fitness for duty examination of employees.
- d. For communication between employees in the field and the ECS, there is established a medically coded telegram (ECS) and a special caption ECS which shall limit distribution to the employee and ECS.
- e. Employees undergoing the inservice physical examination process, or, evaluation as a result of medical evacuation, must be aware that information obtained during the above period and pertinent to the clearance action, will be made available to the appropriate medical professional charged with the disposition of the employee's case.

### **3 FAM 4166 CONFIDENTIALITY**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. The ECS proposes to establish a system of records for employees who receive assistance and/or are referred to an outside source. This system of records shall be maintained separately from all other M/DGP/MED or other Department of State records. Files of

employees in this system of records should be clearly marked "CONFIDENTIAL PERSONAL INFORMATION" and containers in which such files are kept should be conspicuously labeled with the same cautionary statement.

- b. Employees who apply to, or are referred to, the ECS are entitled to have that fact maintained in confidence, as well as any personal information conveyed from or about them to the ECS in applications or referrals. Such confidential information may not be disclosed outside the ECS except for the purpose and under the circumstances described below:
    - (1) The information has been disclosed outside the ECS by the employee or another employee through discharge of official responsibilities (for example, the job performance deficiency which evidences a medical problem is reflected in a performance evaluation);
    - (2) There is a written consent by the employee in the form prescribed in 3 FAM 1900; that is, the name of the person or organization to whom disclosure is to be made, specific type of information, and purpose or need of such disclosure;
    - (3) The circumstances described in 3 FAM 1900 pertain; that is, release to medical personnel to meet a bona fide medical emergency or to qualified personnel for purposes of research, audit, or program evaluation in a statistical form; or
    - (4) There is a valid court order to disclose.
- c. To the extent permitted by law, information disclosed to staff of the ECS shall be considered privileged and not subject to disclosure in administrative and judicial proceedings.

## **3 FAM 4167 RESPONSIBILITY OF OTHER EMPLOYEES**

*(TL:PER-269; 6-30-95)*

*(Uniform State/USAID)*

*(Applies to Foreign Service and Civil Service Employees)*

- a. Supervisors have the same responsibilities for identifying employees with physical, emotional, or social problems and referral as is set forth in 3 FAM 1900 for employees under their supervision with alcoholism or drug abuse problems. However, in all cases the

employee must voluntarily enter into the ECS consultation process.

- b. Counselors in other programs who become aware of a physical, emotional, or social problem affecting job performance or work-related behavior shall encourage the employee to apply to the ECS for assistance.

## **3 FAM 4168 THROUGH 4169 UNASSIGNED**